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9 Attorneys for Defendants
10 PETCO ANIMAL SUPPLIES, INC. and
PETCO HOLDINGS, INC.

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12 **UNITED STATES DISTRICT COURT**
13 **SOUTHERN DISTRICT OF CALIFORNIA**

14

15 Erik Kellgren, Individually and on Behalf
of All Other Persons Similarly Situated,

16 Plaintiffs,

17 v.

18 PETCO ANIMAL SUPPLIES, INC.;
PETCO HOLDINGS, INC.; and
DOES 1 to 100, inclusive,

19 Defendants.

20 Case No. 13-cv-00644-L-KSC

21 **DEFENDANTS PETCO ANIMAL
SUPPLIES, INC. AND PETCO
HOLDINGS, INC.'S SECOND
NOTICE OF RELATED CASES**

22 Complaint Filed: March 19, 2013

23 District Judge: Hon. M. James Lorenz
Courtroom: 5B (Schwartz)

24 Magistrate Judge: Karen S. Crawford

Trial Date: Not Set

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28 Case No. 13-cv-00644-L-KSC

DEFENDANTS PETCO ANIMAL SUPPLIES, INC. AND PETCO HOLDINGS,
INC.'S SECOND NOTICE OF RELATED CASE

1 PLEASE TAKE NOTICE that, pursuant to Local Rule 40.1(f), Defendants
2 PETCO ANIMAL SUPPLIES, INC. and PETCO HOLDINGS, INC. (Petco) notify
3 the Court of the following related cases:

4 (1) *Lee v. Petco Animal Supplies, Inc., Petco Animal Supplies Stores, Inc.,*
5 *and Petco Holdings, Inc. LLC*, Circuit Court of the State of Oregon, County of
6 Multnomah, 16-cv-34943, filed on October 21, 2016.

7 (2) *Hecker v. Petco Animal Supplies Stores, Inc., and Petco Holdings, Inc.*,
8 Northern District of Illinois, Eastern Division, Civil Action No. 1:16-cv-10857, filed
9 on November 23, 2016.

10 The instant action and the related cases listed above “[i]nvolve some of the
11 same parties and are based on the same or similar claims” and “[i]nvolves
12 substantially the same facts and same questions of law.” Local Rule 40.1(g).
13 Pursuant to Local Rule 40.1(f), for the reasons sets forth below, Petco believes
14 assignment to a single district judge, if available, is likely to effect a saving of judicial
15 effort and other economies:

16 1. The pending matter, and the related Oregon state case (*Lee v. Petco*
17 *Animal Supplies, Inc., Petco Animal Supplies Stores, Inc., and Petco Holdings, Inc.*
18 *LLC*, 16-cv-34943) and related Northern District of Illinois case (*Hecker v. Petco*
19 *Animal Supplies Stores, Inc., and Petco Holdings, Inc.*, Civil Action No. 1:16-cv-
20 10857), are rooted in the contention Petco purportedly misclassified the individuals
21 employed as Assistant Managers in its stores as exempt from overtime pay provisions.
22 Plaintiffs in both actions, on behalf of themselves and other current and former
23 Assistant Managers, allege they are entitled to wages for overtime work for which
24 they did not receive overtime premium pay. The pending matter is a conditionally
25 certified collective action brought under the Fair Labor Standards Act on behalf of
26 individuals nationwide (except California), including Oregon and Illinois. *Lee* is
27 currently a single plaintiff action brought under Oregon’s labor law. *Hecker* is a

1 putative class action brought under Illinois labor law on behalf of Illinois individuals.
2 However, because Oregon's and Illinois' overtime wage laws essentially mirror the
3 FLSA requirements, these claims are substantially similar. See *Quimby v. Dutch*
4 *Mining, LLC.*, 2008 U.S. Dist. LEXIS 114444 (D. Or. 2008); *Harper v. Wilson*, 302 F.
5 Supp. 2d 873, 883 (N.D. Ill. 2004).

6 2. The same lawyers who represent Plaintiff and the collective here
7 represent Plaintiff in *Lee and Hecker*.

8 3. The Plaintiffs in *Lee and Hecker* have each filed a consent to join the
9 instant action, (Dkt. Nos. 103-1, 106), and thus, are each a "party plaintiff" in this
10 case. 29 U.S.C. § 216(b).

11 4. Because of the substantially similar facts and questions of law, discovery
12 conducted in *Lee and Hecker* will be duplicative of much of the discovery conducted
13 in this action thus far as well as the discovery that is scheduled to be conducted.

14
15 Dated: November 30, 2016 **WILSON TURNER KOSMO LLP**

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17 By: /s/Carolina Bravo-Karimi

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